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The President

**ENLARGING THE SHASTA NATIONAL FOREST—
CALIFORNIA**

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA

A PROCLAMATION

WHEREAS the hereinafter-described public lands have been found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national forest purposes; and

WHEREAS such lands are within the limits of the areas described in the acts of February 20, 1925, c. 272, 43 Stat. 952, and June 22, 1938, c. 564, 52 Stat. 835 (U.S.C., title 16, sec. 486r), authorizing the addition of certain lands to the Shasta National Forest; and

WHEREAS it appears that the addition of such lands to the Shasta National Forest would be in the public interest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the aforesaid acts of Congress, do proclaim that the following-described public lands in the State of California are hereby added to, and reserved as a part of, the Shasta National Forest:

MT. DIABLO MERIDIAN

T. 37 N., R. 3 E., sec. 1, S½N½;
T. 40 N., R. 1 W., sec. 34, NW¼SE¼;
aggregating 200 acres.

The reservation made by this proclamation shall, as to any lands which are at this date embraced in any valid claim or withdrawn for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such claim, nor prevent the use for such public purpose of land so withdrawn, so long as such claim is legally maintained or such withdrawal remains in force.

Executive Orders No. 4203 of April 14, 1925, and No. 6910 of November 26, 1934, as amended, withdrawing public lands for classification, are hereby revoked so

far as they affect any of the above-described lands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this nineteenth day of February, in the year of our Lord nineteen hundred [SEAL] and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2459]

[F. R. Doc. 41-1281; Filed, February 20, 1941,
10:18 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 714—REFUNDS OF PENALTIES ERRONEOUSLY, ILLEGALLY, OR WRONGFULLY COLLECTED WITH RESPECT TO MARKETING IN EXCESS OF MARKETING QUOTAS

SUPPLEMENT 1

The regulations pertaining to refund of penalty erroneously, illegally, or wrongfully collected by the Secretary of Agriculture with respect to the marketing of tobacco are hereby amended as follows:

§ 714.3 *Time of filing.* Any such claim must be filed within two years after payment to the Secretary of the penalty with respect to which claim is made.

The date the penalty is received by the Office of the Comptroller of the Agricultural Adjustment Administration, United States Department of Agriculture, shall constitute the date when payment of such penalty was made to the Secretary. (52 Stat. 204, 54 Stat. 728; U.S.C., Sup., 1372 (c))

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§ 714.13¹ Definitions. * * *

(q) *Tobacco Section* means the Tobacco Section, Agricultural Adjustment Administration, United States Department of Agriculture, Washington, D. C., or the Marketing Quota Section, East Central Division, Agricultural Adjustment Administration, United States Department of Agriculture, Washington, D. C. (52 Stat. 204, 54 Stat. 728; 7 U.S.C., Sup., 1372 (c))

Done at Washington, D. C., this 21st day of February 1941. Witness my hand

¹ 3 F.R. 2646.

and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-1291; Filed, February 21, 1941; 11:43 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS¹

POST COMMANDER

§ 52.18 *General duties*—(a) *Quarters for civilians*. The post commander may grant permission to servants and civilian employees to occupy such quarters as are available.

(b) *Mess attendants and janitors*—(1) *Mess attendants*. Post commanders may authorize the hire of civilian personnel as permanent mess attendants in messes of companies, detachments, or similar units, including hospitals and general messes. The use of enlisted men as permanent mess attendants or the use of civilian mess attendants on the same post where enlisted mess attendants are used, either permanently or by detail, will not be permitted without approval of the army or similar higher echelon commander. See paragraph 15b, AR 210-50.²

(2) *Janitors*. Post commanders may authorize the detail of enlisted men as permanent janitors for barracks or the hire of civilians for such duty. The use at the same post of both military and civilian personnel as permanent janitors for barracks will not be permitted without approval of the army or similar higher echelon commander. See paragraph 15b, AR 210-50.²

(c) *Use of Government airdromes or landing fields for privately owned aircraft*. (1) Owners of private aircraft will not be permitted to use any active Government airdrome as a base. The use of such airdrome by operators of private aircraft may, however, be permitted, in the discretion of the commanding officer of the post, upon condition that the aircraft is not operated for profit, that it is housed in privately owned hangars not located on Government land, and that assistance will not be required from the personnel of the post as to maintenance, repair, or operation.

(2) In the case of Government-owned airdromes announced from time to time as being on an inactive status, operators of private and commercial aircraft may be permitted, when airdrome facilities are available, to use such facilities, subject,

however, in each case to the approval of the War Department and under such regulations as are now or may hereafter be prescribed.

(3) With regard to airdromes leased by the Government, owners of private and commercial aircraft may obtain permits from the lessor to use the facilities at such airdromes under the rules and regulations that apply to the use of the airdromes by Army organizations. In all cases, however, this permit must have the approval of the War Department.

(4) Operators of aircraft making use of facilities at any Air Corps airdrome will be required to conform to the local rules and regulations in force at that post.

(5) While owners of private aircraft are not permitted to use any Government airdrome or landing field as a base, the post commander may in an emergency permit them to use such landing field, provided the aircraft require no Government supplies or property.

(d) *Construction of buildings other than public*. No buildings other than public will be erected or constructed on military reservations unless authority is granted by the Secretary of War under a revocable license in which the conditions for occupancy will be clearly set forth. Exceptions may be made with respect to unimportant and temporary structures such as are necessary and incident to the work of contractors on Government work, provided that such temporary buildings will be removed at the expiration of the permit. The Panama Canal, Hawaiian, Philippine, and Puerto Rican Departments, and Alaska, are excepted from these provisions in view of the special situations therein. See also section I, AR 30-1435.³

(e) *Welfare*—(1) *Young Men's Christian Association*. (i) At posts where Young Men's Christian Association buildings have been constructed pursuant to the act of May 31, 1902 (32 Stat. 282); 10 U.S.C. 1346, the Young Men's Christian Association will be permitted to continue to conduct thereat helpful physical, intellectual, and nonsectarian religious activities. The post commander will assist and facilitate these activities in such ways as he may deem appropriate and desirable.

(ii) Duly appointed secretaries of the association serving at such posts will be permitted to purchase from the quartermasters such necessary supplies as are available.

(2) *American National Red Cross*. The activities of the American National Red Cross at posts will be as prescribed or implied in AR 850-75,⁴ and the post commander will assist and facilitate such activities in every appropriate manner.

³ Administrative regulations of the War Department relative to construction.

⁴ Administrative regulations of the War Department relative to employment of the American Red Cross.

¹ §§ 52.18, 52.18a, and 52.19 are superseded.

² Administrative regulations of the War Department relative to unit funds.

(f) *Granting use of water to certain nonmilitary agencies.* At a few posts the Secretary of War has authorized in particular cases the establishment and maintenance by religious, fraternal, or benevolent organizations, of chapels and other facilities for service in or with the Army. Post commanders will grant to such authorized establishments the use of water and sewer facilities within the posts, provided that the water supply is ample, that the facilities are adequate, and that the granting of these privileges will involve no expense to the Government.

(g) *Competition with civilian enterprises.* (1) The post commander will be charged with the responsibility that no enlisted man of his command shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when it will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

(2) He will prohibit the use of military personnel or civilian employees of the Army, during normal working hours, in conducting cooperatives (other than post exchanges) which operate in competition with civilian enterprises. (R.S. 161; 5 U.S.C. 22) [Pars. 13e, 16, 20, 22, 29 c and d, 30, 32, AR 210-10, Dec. 20, 1940]

§ 52.19 *Hunting and fishing permits.* All permits to hunt, catch, trap, or kill any kind of game animal, game or non-game bird, or to fish on a military reservation or the waters thereof will be issued by the commanding officer. (R.S. 161; 5 U.S.C. 22) [Par. 3b, AR 210-80, Dec. 21, 1925]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-1280; Filed, February 21, 1941;
10:00 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

PART 403—PROPERTY MANAGEMENT DIVISION

TAX AND INSURANCE ACCOUNTS IN TERM SALES

"Be it resolved, that the resolution adopted by the Federal Home Loan Bank

Board on January 3, 1941¹ amending the concluding paragraph of section 310 of the Consolidated Manual (§ 403.10 of this Title) shall become effective on March 1, 1941 instead of sixty days after its adoption as provided in such resolution: *Provided, however,* That prior to March 1, 1941 offers to purchase may be accepted on behalf of the Corporation either on presently existing forms or on forms revised in accordance with such resolution and procedure promulgated thereunder; and provided further that offers to purchase on presently existing forms shall be processed for closing and closed under presently effective regulations, and that offers to purchase on forms revised in accordance with such resolution and procedure promulgated thereunder shall be processed for closing and closed under such revised regulations."

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on February 14, 1941.

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-1184; Filed, February 18, 1941;
10:59 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-244]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Bituminous Coal Division, having been duly filed with the Division by District Board 2 on October 26, 1940, proposing and requesting the establishment of price classifications and minimum prices for the coals

¹ 6 F.R. 1047.

of certain mines in District 2 not heretofore classified and priced; and

Temporary relief pending final disposition of this petition having been granted by Order of the Director, dated November 25, 1940,¹ establishing the temporary price classifications and minimum prices specified in the "Temporary Supplement" annexed to and made a part of said Order; and

A hearing having been held before a duly designated Examiner of the Division, at a Hearing Room of the Division, 734 Fifteenth Street, NW., Washington, D. C., on December 12, 1940; and

The Examiner having made Proposed Findings of Fact and Conclusions of Law in this matter, dated January 8, 1941, and an opportunity having been afforded to all parties to file exceptions thereto and supporting briefs; and

No such exceptions or supporting briefs having been filed; and

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as Findings of Fact and Conclusions of Law of the Director:

It is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the price classifications and minimum prices pertaining to the LaBelle mine of J. G. Hoffstot (Mine Index 361) shall be and the same are hereby deleted from the "Temporary Supplement" annexed to and made a part of the Director's Order dated November 25, 1940; and

It is further ordered, That § 322.7 (Alphabetical list of code members) is amended by adding thereto "Schedule A" ("Temporary Supplement" annexed to and made a part of the Director's Order, entered in Docket A-244, dated November 25, 1940, as amended by the foregoing deletion) which supplement dated February 10, 1941, is hereinafter set forth.

It is further ordered, That the original petition in the above entitled matter, in so far as it relates to the LaBelle mine of J. G. Hoffstot (Mine Index No. 361), be and the same hereby is dismissed.

Dated: February 10, 1941.

[SEAL]

H. A. GRAY,
Director.

¹ 5 F.R. 4713.

SCHEDULE A—EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub- dist. No.	Seam	Freight origin group No.	Size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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NOTE: In § 322.9 (c) add the mine index numbers in groups shown. Group No. 1: 851, 1224. Group No. 2: 301, 353, 354, 358, 390, 544. Group No. 3: 361. Group No. 4: 337. Group No. 5: 335. Group No. 6: 337, 349. Group No. 7: 142, 279, 349. Group No. 22: 933.

[F. R. Doc. 41-1254; Filed, February 19, 1941; 4:33 p. m.]

[Docket No. A-43]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER OF THE DIRECTOR, APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Bituminous Coal Division, having been duly filed with the Division by District Board 7 on September 27, 1940, seeking the establishment of price classifications and minimum prices for the coals of certain mines

in District 7 not theretofore classified and priced; and
Temporary relief pending final disposition of this proceeding having been granted by Orders of the Director dated October 10¹ and December 14, 1940;² temporarily establishing the price classifications and minimum prices specified in Temporary Schedule A annexed to and made a part of said Order of October 10, 1940, as modified by said Order of December 14, 1940; and

A hearing having been held before an Examiner of the Division at a hearing room of the Division, Hotel Roger Smith, Washington, D. C., between November 13 and 18, 1940; and
The Examiner having made Proposed Findings of Fact and Conclusions of Law

¹ 5 F.R. 4095.
² 5 F.R. 5159.

ffective Minimum Prices for District No. 7 for All Shipments Except Truck" which was annexed to and made a part of the Order of the Director, entered in Docket No. A-43, dated October 10, 1940, as amended by Order of the Director, entered in Docket No. A-43, dated December 14, 1940), and § 327.34 (*General prices in cents per ton for shipment into any market area*) is amended by adding thereto "Schedule B" ("Temporary Effective Minimum Prices for District No. 7 for Truck Shipments (Prices in cents per net ton) which was annexed to and made a part of the Order of the Director entered in Docket No. A-43, dated October 10, 1940), which supplements dated February 12, 1941, are hereinafter set forth.

Dated: February 12, 1941.

[SEAL]

H. A. GRAY,
Director.

[Docket No. A-6421]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED FOR RAIL SHIPMENTS BY THE MORRIS COAL & MINING COMPANY, MOROCCO MINE, A PRODUCER IN DISTRICT NO. 10, FOR WHICH COALS PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for coals produced for rail shipment by the Morris Coal & Mining Company, Morocco Mine, a producer in District No. 10; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these "Supplements" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK § 330.9 General prices

SCHEDULE A—PRICES FOR ALL-RAIL SHIPMENT INTO ALL MARKET AREAS

Price group Nos.	Mine Index Nos.	Freight group Nos.	Price and size group Nos.														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
29	159	116	275	270	265	255	250	245	240	235							
30	153	115	275	270	265	255	250	245	240	235	230	220	210	200	190	180	170

¹ Mine Index 303, Morocco Mine, shall be included in Price Group 29 of Part 330, Minimum Price Schedule No. 1 for District No. 10, for All Shipments Except Truck and shall take the same rate as the mine prices for shipment to all market areas and for all uses as Mine Index 189, Northern Illinois Coal Co., Wilmington Mine, in Size Groups 1 to 8, Incl. In Size Groups 9 to 15, Incl. 26 and 27 (raw industrial uses) Mine Index 503 shall be subject to the prices set forth herein. (The prices provided herein for Mine Index 303 in Size Groups 9 to 15 Incl., 26 and 27 shall not apply to Mine Index 189.)

SCHEDULE A—EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material in Schedule A is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members

Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown

Mine Index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.									
						1	2	3	4	5	6	7	8	9	10
121	Burdette, Forrest & Williams, Jesse	Midland	1	Fire Creek	10	D	D	C	A	A	B	B	A	A	A
224	Leckie Smokeless Coal Company	Anjean #2	5	Fire Creek	17	D	D	C	A	A	B	B	C	C	C
223	Marianna Smokeless Coal Company	Rolle	3	Sewell	14	B	B	A	A	A	B	B	B	B	B
160	Pocahontas Fuel Company, Inc.	Darr	3	Poca. #3	30	A	A	A	A	A	B	B	D	D	D
602	Short, J. K. (Darr Red Ash Coal Company)	Darr	3	Red Ash	30	A	A	A	A	A	B	B	D	D	D
646	Williams, W. T. (Jean Pocahontas Coal Co.)	Jean	4	War Creek	30	D	D	D	D	D	E	D	H	H	H

SCHEDULE B—EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material in this Schedule B is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area

Subdistrict	Code member index	Mine	Mine index no.	County	Seam	All lump 34" or larger, all over and under 34"	All nut or pea 14" or smaller	Screened M/R containing 40% or more 34" slack	Straight mine run, then 14" screenings larger than 14"	14" screenings	34" screenings
1	Burdette, Forrest & Williams, Jesse	Midland	121	Greenbrier	Fire Creek	200	250	280	215	200	195
2	Elco Coal Co.	Elco	680	Fayette	Sewell	330	250	280	215	195	190
1	Hoke, John	Greenbrier	678	Greenbrier	Fire Creek	200	250	280	215	190	185
4	Lambert Coal Company (C. F. Lambert)	Bandy-Poca	503	Tazewell	Edge	200	250	280	215	190	185
1	Leckie Smokeless Coal Company	Anjean #2	224	Greenbrier	Fire Creek	200	250	280	215	190	185
4	Lift Pocahontas Coal Co.	Lift	677	McDowell	Welch	315	250	280	215	195	190
5	Marianna Smokeless Coal Company	Hoke	223	W. Yoming.	Sewell	315	250	280	215	190	185
3	Pocahontas Fuel Co., Inc.	Rolle	160	McDowell	Poca. #3	315	250	280	215	190	185
1	Redden, L. M.	Redden #1	679	Greenbrier	Fire Creek	200	250	280	215	190	185
4	Williams, W. T. (Jean Pocahontas Coal Co.)	Jean	646	McDowell	War Creek	250	225				

[F. R. Doc. 41-1255; Filed, February 19, 1941; 4:33 p. m.]

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 330.9 (General prices) is amended by adding thereto "Schedule A" and § 330.10 (a) (2) (Special prices)—Railroad locomotive fuel prices—Instructions) is amended by adding thereto "Schedule B", which supplements, dated February 12, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: February 12, 1941.

[SEAL] H. A. GRAY,
Director.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—(2) *Prices for railroad locomotive fuel*—Schedule B prices for railroad locomotive fuel for Morris Coal & Mining Co., Morocco Mine, Mine Index 503, and for Northern Illinois Coal Corp., Wilmington Mine, Mine Index 189, shall be: Mine Run, \$2.30; Screenings, \$1.95; and shall be accorded railroad fuel exceptions 1-H, 2-F.

[F. R. Doc. 41-1256; Filed, February 19, 1941; 4:34 p. m.]

[Dockets Nos. A-87 and A-109]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12, AND PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED (DOCKET NO. A-87), AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED (DOCKET NO. A-109)

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Bituminous Coal Division, having been duly filed with the Division by District Boards 12 and 14 on October 7 and 9, 1940, seeking the establishment of price classifications and minimum prices for the coals of certain mines in Districts 12 and 14 not theretofore classified and priced; and

Temporary relief pending final disposition of this proceeding having been granted by Orders of the Director dated October 12 and 25, 1940, temporarily establishing the price classifications and minimum prices set forth in "Temporary Schedule A," and "Temporary Supplement No. 3," annexed to and made part of the Orders of October 12 and 25, 1940, respectively; and

A hearing having been held before an Examiner of the Division at a hearing room of the Division, Hotel Roger Smith, Washington, D. C., between November 13 and 18, 1940; and

The Examiner having made Proposed Findings of Fact and Conclusions of Law in this matter, dated January 8, 1941, and an opportunity having been afforded to all parties to file exceptions thereto and supporting briefs; and no exceptions having been filed; and

The Director having determined that the Proposed Findings of Fact and Con-

clusions of Law of the Examiner in this matter should be approved and adopted as Findings of Fact and Conclusions of Law of the Director;

It is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as Findings of Fact and Conclusions of Law of the Director.

It is further ordered, That the minimum prices set forth in the aforesaid "Temporary Schedule A," annexed to and made part of the Order dated October 12, 1940, be and they are hereby amended as follows:

Change mine-run price (Size Group 5) for Mine Index No. 649, operated by G. B. Jensen, from \$3.85 to \$3.00.

It is further ordered, That § 332.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto "Schedule A" ("Temporary Schedule A" as amended by the foregoing paragraph), and § 334.24 (General prices for shipment into all market areas) is amended by adding thereto "Supplement No. 3 * * *" ("Temporary Supplement No. 3 * * *") which was annexed to and made a part of the Order of the Director, entered in Docket No. A-109, dated October 25, 1940, which supplements dated February 12, 1941, are hereinafter set forth.

Dated: February 12, 1941.

[SEAL] H. A. GRAY,
Director.

SCHEDULE A—EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material in this Schedule A is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*

Code member index	Mine No.	Group No.	County										
				Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1 1/2"	Mine run	Nut 2 x 1 1/4", 1 1/4 x 3/4"	Dom. stoker 1 x 3/16"	Screenings 2", 1 1/2", 1 1/4 x 0"	Ind. stoker Cr. 2", 1 1/2", 1 1/4 x 0"	5/16" x 0"
				1	2	3	4	5	6	7	8	9	10
Angus Coal Mining Company	659	20	Jasper	320	310	300	290	280	280	280	170	230	100
Baker Coal Co. (Raymond H. Baker)	470	21	Marion	345	335	325	315	300	300	300	180	240	100
Ballard, Lena (Ballard Coal Co.)	638	2	Appanoose	285	275	265	255	275	265	275	200	275	100
Barnett Coal Co. (John M. Barnett)	651	19	Marion	310	300	290	280	270	270	270	170	230	100
Beck Coal Co.	226	25	Polk	370	360	350	340	330	325	330	200	260	100
Black Hawk Coal Co. (Harold E. Kelley)	347	31	Boone	385	375	365	355	375	325	330	210	270	100
Bussey Coal Company (Harry Miller)	638	18	Marion	300	290	280	270	270	270	270	160	220	100
Blazina, Frank (Waterlily Coal Co.)	643	3	Appanoose	285	275	265	255	275	265	275	200	275	100
Conner Coal Co. (W. H. Conner)	639	15	Lucas	295	285	275	265	270	270	270	160	220	100
Crow Hollow Coal Co. (Ray Davis)	630	18	Marion	300	290	280	270	270	270	270	160	220	100
Denicola, Frank	645	20	Marion	320	310	300	290	280	280	280	170	230	100
Diamond Coal Co. (John Porter)	320	2	Appanoose	285	275	265	255	275	265	275	200	275	100
Doodle Bug Coal Co. (W. V. Barth)	627	18	Marion	300	290	280	270	270	270	270	160	220	100
Duer, Chester (North Charleston Coal Co.)	411	4	Appanoose	285	275	265	255	275	265	275	200	275	100
Eddleman, H. E.	657	13	Mahaska	290	280	270	260	270	270	270	160	220	100
Edwards & Company, G. P. (A. M. McClevey)	652	25	Polk	370	360	350	340	330	325	330	200	260	100
Ellis, Roy C. (Roy C. Ellis Mining Co.)	660	23	Mahaska	320	310	300	290	275	275	275	170	230	100
Gedding & Sons (Lauron Gedding)	629	19	Marion	310	300	290	280	270	270	270	170	230	100
Graham Coal Co.	633	11A	Monroe	300	290	280	270	270	270	270	180	240	100
Hegwood, Loren L. (Hegwood Coal Co.)	661	15	Lucas	295	285	275	265	270	270	270	160	220	100
Hoover, S. R.	562	8	Van Buren	310	300	290	280	270	270	270	180	240	100
Howard, John W. (Howard Coal Co.)	608	11A	Monroe	300	290	280	270	270	270	270	180	240	100
Jensen, G. B.	649	32	Webster	395	385	375	365	390	325	330	220	280	100
K. & R. Coal Co. (Dan Ridgway)	626	22	Mahaska	315	305	295	285	275	275	275	170	230	100
Lockwood, Homer (Lockwood Coal Company)	595	33	Adams	360	350	350	350	350	340	340	250	340	150
McCarty Coal Co. (J. M. Ryan)	640	15	Monroe	295	285	275	265	270	270	270	160	220	100
Mack, Albert (Mack Coal Co.)	634	33	Adams	360	350	350	350	350	340	340	250	340	150
Medearis, Harvey (Medearis Coal Co.)	641	15	Lucas	295	285	275	265	270	270	270	160	220	100
Meggison, Edward (Meggison Coal Co.)	334	33	Adams	360	350	350	350	350	340	340	250	340	150
Newton Coal Company (S. H. Vanderzyl)	644	27	Jasper	345	335	325	315	300	300	300	190	250	100
Old Egypt Coal Company (Chas. E. Brodwell)	635	3	Appanoose	285	275	265	255	275	265	275	200	275	100
Padavich Coal Co. (Charles Padavich)	646	3	Appanoose	285	275	265	255	275	265	275	200	275	100
Perry, C. L. (Perry Coal Company)	233	18	Marion	300	290	280	270	270	270	270	160	220	100
P. S. & R. Coal Co. (L. L. Payton)	628	19	Marion	310	300	290	280	270	270	270	170	230	100
R. & G. Coal Co., (Gabriel Kauzlarich)	637	1A	Appanoose	275	265	255	245	265	255	265	200	265	100
Renslow, Lloyd L. (Lloyd's Coal Co.)	643	29	Guthrie	385	375	365	355	375	325	330	210	270	100
Saner, Charley (Sage Creek Coal Co.)	642	15	Monroe	295	285	275	265	270	270	270	160	220	100
Smith, R. M.	662	22	Mahaska	315	305	295	285	275	275	275	170	230	100
Spot Coal Co. (Frank D. Shultz)	409	28	Greene	383	373	363	353	313	323	328	208	268	100
Strother, J. P.	636	6	Wapello	295	285	275	265	270	270	270	180	240	100
Twin City Coal Co. (Wm. Russell, Jr.)	633	17	Marion	310	300	290	280	270	270	270	165	225	100
W. & W. Coal Co. (Peter J. Willis)	617	4	Wayne	285	275	265	255	275	265	275	200	275	100
White Oak Coal Co. (Charles Lamantia)	589	1A	Appanoose	275	265	255	245	265	255	265	200	265	100
Young Coal Co. (Martin Fenton & Floyd Cross)	523	4	Appanoose	285	275	265	255	275	265	275	200	275	100

¹ Order of October 12, 1940, entered in Docket No. A-87, 5 F.R. 4142 (October 12, 1940). Order of October 25, 1940, entered in Docket No. A-109, 5 F.R. 4348 (November 2, 1940).

SUPPLEMENT NO. 3 TO SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material in this Supplement No. 3 is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and Supplements thereto.

TRUCK SHIPMENTS

§ 334.24 General prices for shipment into all market areas

Code member index	Mine index No.	Mine	County	Sub-dist. No.	Prices and size group Nos.																	
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Carbon Colliery Company (William Elder)	438	Colliery		9			355											135				270
Johnson-Simpson Coal Co. (R. T. Johnson)	437	J & S		2			445		450	465	475	420	500	500	475	440	200	200	200			450
Brewster & Woods Coal Company (B. F. Woods)	439	#1		7			400	400										135				315
Bokoshe Coal Company (Chester R. Oglesby)	209	Bokoshe Coal Co.		7			370											135				270
Burnwell Coal Co. (D. A. Gerardi)	95	Burnwell		7			370											135				270

[F. R. Doc. 41-1257; Filed, February 19, 1941; 4:34 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 79]

SUBCHAPTER C—MOTORBOATS

PART 29—ENFORCEMENT

FEBRUARY 21, 1941.

Amendments

Section 29.1 *Reporting of violations* is amended to read as follows:

§ 29.1 *Reporting of violations.* (a) All violations of the act of April 25, 1940 (Public 484, 76th Cong.), or of any regulation issued thereunder by the Board of Supervising Inspectors with the approval of the Secretary of Commerce, detected by enforcement officers other than collectors of customs, must be reported directly to the Department of Commerce (Bureau of Marine Inspection and Navigation) regardless of mitigating circumstances. Such reports must be forwarded to the Bureau of Marine Inspection and Navigation in triplicate. The use of report forms heretofore used in making such reports to collectors of customs is authorized.

(b) All violations of the act of April 25, 1940 (Public 484, 76th Cong.), or of any regulation issued thereunder by the Board of Supervising Inspectors with the approval of the Secretary of Commerce, detected on motor boats or other vessels subject to inspection under the provisions of Title 52 of the Revised Statutes, or acts amendatory or supplementary thereto, by any enforcement officer, must also be reported directly to the board of local inspectors of the district where the motor boat or vessel is found. This report should be made in the most expeditious manner possible.

Section 29.2 *Definition of motor boat* is amended by the deletion of subsection (a) thereof, and by the deletion of "(b)" at the beginning of subsection (b).

Part 29 *Enforcement* is also amended by the deletion of § 29.13 *Life preservers; life-saving devices*, § 29.14 *Fire-extinguishing apparatus*, § 29.14a *Fire extinguishers; when not required on motor boats*, and § 29.15 *Licensed officers and inspection*, and by renumbering § 29.6 *Lights; when not required*, § 29.12a *Whistles and bells; when not required on outboard boats*, and § 29.16 *Documents and name*, as §§ 29.5, 29.6, and 29.7, respectively.

These amendments become effective on April 25, 1941.

(Section 17, Act of April 25, 1940, Public 484, 76th Congress, R.S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-1288; Filed, February 21, 1941; 11:22 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

AMENDMENT

The Commission on February 18, 1941, took the following action with reference to the aviation rules amended on February 4, 1941:¹

Existing licensees of aviation stations will not be required to comply with the provisions of the new aviation rules,

¹ 6 F.R. 888.

adopted by the Commission on February 4, 1941, until June 1, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1282; Filed, February 21, 1941; 10:35 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. FD-A-1]

PETITION OF DISTRICT BOARD NO. 11 FOR RELIEF IN RESPECT TO COMPETITION BETWEEN DISTRICT NO. 11 CODE MEMBERS AND VARIOUS VENDORS OF EXISTING STOCKS OF COAL ON DOCKS LOCATED ON LAKE SUPERIOR AND LAKE MICHIGAN, AND RELATED MATTERS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER EXTENDING TEMPORARY RELIEF TO INTERVENOR CONSOLIDATED COAL COMPANY

On October 9, 1940, the Director issued an order in the above-entitled matter, granting temporary relief to the original petitioner and to intervenor Carter Coal Company, which had specifically prayed that any relief accorded to the original petitioner be likewise extended to it as an intervening party similarly affected by the circumstances of which the original petition complained. That order specifically provided that any other persons eligible to become parties in this proceeding might file an application, supported by a reasonable showing of necessity, for the extension to them of the same relief.

A petition of intervention, specifically praying for the same temporary relief granted to the original petitioner, has been filed by Consolidated Coal Company (the "intervenor"). It appears that the coals produced by intervenor are sold in Market Areas 42, 43, 45, and 46, and compete with other coals sold therein. The situation of intervenor in respect to the competition of coal stored on docks in Market Areas 42, 43, 45, and 46, prior to October 1, 1940, by unregistered distributors, who are not subsidiaries, affiliates, or subject to the control of code members, and as to whom no specific sanctions for violations of the effective minimum prices are presently available, is thus apparently essentially the same as that of code members in District 11 or intervenor Carter Coal Company. It thus appears that there is a reasonable necessity for the extension to intervenor of the same temporary relief granted to the original petitioner and to intervenor Carter Coal Company.

Accordingly, intervenor, in order to retain business enjoyed by it, which is threatened by the competition of coal stored by an unregistered distributor on

docks in Market Areas 42, 43, 45, and 46, prior to October 1, 1940, may on or before 3:30 p. m. of any business day except Saturday, and on or before 11 a. m. Saturday, telegraph to the Statistical Bureau for District 10, a "request" for a reduction, not to exceed 50 cents, in the effective minimum prices for a specified size and quality of coal produced by a designated mine, for shipment to a specified consumer in Market Areas 42, 43, 45, or 46.

Upon the same day that such telegram (the "request") is dispatched, or by 11 a. m. of the succeeding business day, intervenor shall supply the statistical bureau with an affidavit confirming the contents of the request. This affidavit shall specify how long the intervenor has enjoyed the business of the consumer in question, together with the latter's name and location, the type of equipment in which the coal is to be used, the amount of tonnage involved, the name and location of the unregistered dock operator who threatens to take the business, and the price at which it is believed that the business can be retained by intervenor. If the name and location of the unregistered dock operator are unknown to intervenor, the affiant shall state, so far as he is able to do so, the probable identity and location of such person and the terms of his offer. Such affidavit, if based on knowledge of the affiant, shall so state. If based on information and belief, the affidavit shall state specifically the source of the information, and also the circumstances upon the basis of which the affiant believes the information to be true.

Within twenty-four hours after the "request", or as soon thereafter as possible, the Director will notify intervenor by telegram whether or not the requested reduction may be made, a copy of which will be made available for inspection in this proceeding. If no such telegram is delivered to the intervenor within forty-eight hours after the "request", the "request" is automatically granted and the intervenor may make the reduction as requested. The specifications of time herein exclude Saturday afternoons, Sundays and legal holidays.

Temporary relief as indicated herein is accordingly granted to intervenor Consolidated Coal Company.

Dated: February 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1296; Filed: February 21, 1941; 11:51 a. m.]

[Docket Nos. A-107, A-308, A-309, A-312-317, A-333, A-351, A-371, A-385, A-392, A-393, A-397, A-423, A-442, A-474, A-483, A-494, A-495.]

PETITIONS OF WILLIAMS COAL COMPANY, WILLIAM LOJEK, WALTER S. RAE, JR., PETE COLANGELO, JOHN TURNER, JOE SONCHAR, HENRY TOMSCO, MARTIN PAVLETICH, VALENTINE MASCHIO, MARIAH

HILL SUPER BLOCK COMPANY, THE BABSON COAL COMPANY, BERWIND FUEL COMPANY, RAY BOYLES, EDGAR DUNAVANT, THE COSHOCTON COAL COMPANY, B. & S. COAL COMPANY, BELLAIRE COAL COMPANY, MORGAN AND HESTON, J. W. WATSON, OPOYOKE BROTHERS, W. H. STUTTS COAL COMPANY AND THE NUGENT MINING COMPANY

ORDER TO SHOW CAUSE WHY PETITIONS SHOULD NOT BE DISMISSED

Petitions praying for relief under section 4 II (d) of the Bituminous Coal Act of 1937 have been filed by the captioned parties in the dockets designated as follows:

In Docket No. A-107, the petitioner, Williams Coal Company, a code member in District No. 2, requested the establishment of rail prices and adjustment of the truck prices for the coals of its Braeburn Mine. The Director, by his letter of November 13, 1940, notified the code member that his petition was deficient but the deficiency has not been corrected. However, the relief requested as to rail prices was granted on October 8, 1940, in Docket No. A-39 and as to the truck prices on December 30, 1940, in Docket No. A-182.

In Docket No. A-308, the petitioner, William Lojek, a code member in District No. 17, requested the establishment of price classifications and minimum prices for the coals of its Harvey Mine. The Director, by his letter of November 23, 1940, notified this code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-309, the petitioner, Walter S. Rae, Jr., a code member in District No. 2, requested a revision of the price classifications and minimum prices established for the coals of his Rae Kol Mine. The Director, by his letter of November 26, 1940, notified this code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-312, the petitioner, Pete Colangelo, a code member in District No. 17, requested the establishment of additional price classifications and minimum prices for the coals of his Denton Mine. The Director, by his letter of November 23, 1940, notified this code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-313, the petitioner, John Turner, a code member in District No. 17, requested the establishment of additional price classifications and minimum prices for the coals of his Turner Mine. The Director, by his letter of November 23, 1940, notified this code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-314, the petitioner, Joe Sonchar (Sonchar Brothers), a code member in District No. 17, requested the establishment of additional price classifications and minimum prices for the coals of his Sonchar Brothers Mine. The Director, by his letter of November 23,

1940, notified the code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-315, the petitioner, Henry Tomasco (Tomsco Brothers Coal Company), a code member in District No. 17, requested the establishment of additional price classifications and minimum prices for the coals of his Sunshine Mine. The Director, by his letter of November 23, 1940, notified the code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-316, the petitioner, Martin Pavletich, a code member in District No. 17, requested the establishment of additional price classifications and minimum prices for the coals of his Block Mine. The Director, by his letter of November 23, 1940, notified this code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-317, the petitioner, Valentine Maschio, a code member in District No. 17, requested the establishment of additional price classifications and minimum prices for the coals of his New Yankee Mine. The Director, by his letter of November 23, 1940, notified this code member that his petition was deficient but the deficiency has not been corrected.

In Docket No. A-333, the petitioner, Mariah Hill Super Block Company, a code member in District No. 11, requested the revision of the minimum prices for the coals of its Commodore Mine, to equalize certain freight rate differentials. The issues raised and the relief sought therein are included in Docket No. A-191 wherein the relief was temporarily granted to this code member on December 2, 1940, and a final hearing thereon was held on November 7, 8, and 9, 1940.

In Docket No. A-351, the petitioner, the Babson Coal Company, a code member in District No. 17, requested the establishment of additional price classifications and minimum prices and the revision of truck prices theretofore established for the coals of its Babson Mine. The Director, by his letter of December 21, 1940, notified this code member that its petition was deficient but the deficiency has not been corrected.

In Docket No. A-371, the petitioner, Berwind Fuel Company, a registered distributor under the Act, requested authority to complete deliveries and sales of coals covered by its contracts only partially performed on October 1, 1940. The subject matter and the relief sought are included in Docket No. A-530, a proceeding instituted by the Director under section 4 II (b) of the Act. It is to be noted that the petitioner is neither a code member, a district board nor a member thereof and lacks the capacity to file a petition under section 4 II (d) of the Act.

In Docket No. A-385, the petitioner, Ray Boyles, a code member in District No. 3, requested the establishment of price classifications and minimum prices for shipment by truck for the coals of its

Mine Index No. 1055 not theretofore classified or priced. The issues raised and the relief sought therein are included in Docket No. A-255 wherein such relief was temporarily granted on April 18, 1940 and as to which final hearing was held on December 2, 1940.

In Docket No. A-392, the petitioner, Edgar Dunavant, a code member in District No. 7, requested the establishment of price classifications and minimum prices for shipment by truck for the coals of his Mine Index No. 696, not theretofore classified or priced. The issues involved and the relief sought are included in Docket No. A-376 wherein the relief was temporarily granted on December 11, 1940 and a final hearing as to which was held on January 17, 1941.

In Docket No. A-393, the petitioner, the Coshocton Coal Company, a code member in District No. 4, requested relief in the modification of Minimum prices for the slack coal of its Dickerson Mine for shipment by truck. The Director, by his letter of December 21, 1940, notified this code member that its petition was deficient but the deficiency has not been corrected.

In Docket No. A-397, the petitioner, B. & S. Coal Company (E. Shively, et al.), a code member in District No. 12, requested the modification of the minimum prices established for the coals of its Mine Index No. 215. The Director, by his letter of January 4, 1941, notified this code member that its petition was deficient but the deficiency has not been corrected.

In Docket No. A-423, the petitioner, Bellaire Coal Company, a code member in District No. 4, requested the establishment of minimum prices for shipment by rail for the coals of its Bellaire No. 1 Mine. The issues involved and the relief sought therein are included in Docket No. A-362 wherein the relief was temporarily granted on November 26, 1940 and a final hearing as to such relief was held on December 9, 1940.

In Docket No. A-442, the petitioner, Morgan and Heston (L. C. Morgan and Burke Heston), a code member in District No. 3, requested the establishment of price classifications and minimum prices for shipment by truck for the coals of its Mine Index No. 1156, not theretofore classified or priced. The petition is deficient in that it fails to disclose its service upon parties therein named, Consumers' Counsel Division and the Statistical Bureau for District No. 3. The issues involved and the relief sought therein are included in Docket No. A-505 wherein on January 11, 1941 such relief was granted temporarily with provision for it becoming permanent upon certain conditions.

In Docket No. A-474, the petitioner, J. W. Watson, a code member in District No. 3, requested the establishment of price classifications and minimum prices for shipment by truck for the coals of his Mine Index No. 1158, not theretofore

classified or priced. The petition is deficient in that it is not verified and fails to disclose its service upon the persons therein named, Consumers' Counsel Division and the Statistical Bureau for District No. 3. The issues raised and the relief sought therein are included in Docket No. A-505 wherein on January 11, 1941 such relief was granted temporarily with provision for it becoming permanent upon certain conditions.

In Docket No. A-483, the petitioner, Opyoke Brothers, a code member in District No. 3, requested the establishment of price classifications and minimum prices for shipment by truck for the coals of its Mine Index No. 1150, not theretofore classified or priced. The petition is deficient in that it is not verified and fails to disclose its service upon the persons therein named, Consumers' Counsel Division and the Statistical Bureau for District No. 3. The issues involved and the relief sought therein are included in Docket No. A-505 wherein on January 11, 1941 such relief was granted temporarily with provision made for it becoming permanent upon certain conditions.

In Docket No. A-494, the petitioner, W. H. Stutts Coal Company, a code member in District No. 14, requested the establishment of price classifications and minimum prices for the coals of his Mine Index No. 427 for shipment by rail. It appears, however, that the petitioner, as the operator of said mine, has been succeeded by Skidmore Brothers Coal Company, which company has in Docket No. A-460 requested for itself the same relief sought in the instant petition.

In Docket No. A-495, the petitioner, the Nugent Mining Company, a code member in District No. 1, requested the establishment of price classifications and minimum prices for shipment by rail for the coals of its Mine Index No. 658, not theretofore classified or priced. The petition is deficient in that it fails to disclose its service upon the persons therein named. The issues therein raised are included in Docket No. A-452 wherein certain temporary relief sought by the petitioner was granted on January 2, 1941 and a final hearing was held on January 27, 1941.

It appearing from the foregoing that the petitioners in the above designated dockets have no further interest therein,

Now, therefore, it is ordered that said petitioners be required to show cause why the foregoing proceedings should not be dismissed at a hearing before D. C. McCurtain or any other officer of the Division duly designated to preside at such hearing on March 7, 1941, at 10 a. m. at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., at which time the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held. The dismissal of any proceeding pursuant to this Order, however, shall be without prejudice to the rights of the petitioner as to the subject matter involved to file further

petitions with the Division in accordance with the Rules and Regulations of the Bituminous Coal Division governing proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: February 20, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1298; Filed, February 21, 1941;
11:51 a. m.]

[Docket No. A-529]

PETITION OF BITUMINOUS COAL PRODUCERS
BOARD FOR DISTRICT NO. 8, FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT
ORDER OF CHANGE IN CLASSIFICATION OF
SIZE GROUPS 18 TO 21, INCLUSIVE, COALS
PRODUCED IN DISTRICT NO. 8 BY THE
HUTCHINSON COAL COMPANY FOR SHIPMENT
TO ALL MARKET AREAS

MEMORANDUM AND ORDER DENYING MOTION
FOR EXTENSION OF TEMPORARY RELIEF

On January 31, 1941, the Hutchinson Coal Company, intervener, filed a motion requesting that the temporary relief granted to it by order herein of the Acting Director, dated January 18, 1941, be extended to shipments to the Great Lakes (Market Areas 98 and 99).

In support of said motion, the Hutchinson Coal Company contends that, unless such temporary relief is granted, it will be deprived of fair competitive opportunities to compete in Market Areas 98 and 99 because quotations are now being made and orders are being placed for lake shipments; that shipments to the Great Lakes will begin not later than March 1, 1941, and perhaps before, depending on weather conditions; that the Hutchinson Coal Company has been unable to sell or contract to sell any nut and slack coals for lake shipment from its MacBeth and Dabney Mines at the present price classification of "D"; that consumers formerly purchasing such coals have refused to buy or contract to buy such coal for lake shipment at the present classification, but have indicated their willingness to purchase the coal at the "F" classification now temporarily applicable, pursuant to the aforesaid order of January 18, 1941, to such coal for shipment to destinations other than the Great Lakes; that formerly, a substantial tonnages of nut and slack coals for lake shipments were shipped from the mine or contracted for during the month of February; that the Hutchinson Coal Company has operated only ten single shifts at the MacBeth Mine and none at its Dabney Mine from January 1 to January 25, 1941; and that, unless the temporary relief already granted by the aforesaid order, dated January 18, 1941, is made applicable to its coals for shipment to the Great Lakes, it will suffer irreparable injury.

As was indicated in the order dated January 18, 1941, the matter herein in-

volved is of a highly controversial nature. The temporary relief which was granted therein was made subject to certain restrictions designed to safeguard the interests and fair competitive opportunities of other code members. It further appears from the record of the informal conference which was heretofore held in this matter on December 13, 1940, that the major issue involved was relief relative to all-rail coal which appeared to be necessary, and which was granted, in order to relieve then existing conditions curtailing production at the interveners' mines. Since deliveries under the extension of the temporary relief now prayed for could not commence until some future time, it does not now appear that the further relief requested is necessary as an emergency measure to permit the mines to continue operation, nor is there any showing that production has been curtailed or will be curtailed should the requested extension of temporary relief be denied pending the hearing in this matter now scheduled for February 20, 1941.

The Director has carefully considered the request for an extension of the temporary relief and has reconsidered the data submitted in connection therewith at the informal conference. The Director is of the opinion that the petitioner has made no adequate showing of actual or impending injury in the event that the extension of the temporary relief is not granted. By notice of and order for hearing and order for consolidation dated January 30, 1941, the matter herein was set for a formal hearing on February 20, 1941, before an Examiner of the Division. At this hearing all the facts concerning the relief requested by the intervenor may be considered and fully developed in time to permit a disposition of its present prayer for additional temporary relief upon the basis of the record made at the hearing, without unduly prejudicing its competitive opportunities upon shipments to Market Areas 98 and 99. The motion should therefore be denied without prejudice to the filing of a motion requesting temporary relief on the basis of the record made at the final hearing on February 20, 1941.

Accordingly, it is so ordered.

Dated: February 20, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1297; Filed, February 21, 1941;
11:51 a. m.]

[Docket No. A-576]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER OF CHANGE IN PERMISSIVE ADJUSTMENTS TO OFF-LINE RAILWAY LOCOMOTIVE FUEL PRICES FOR SOUTH-BOUND MOVEMENT VIA CAROLINA, CLINCHFIELD & OHIO RAILWAY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 20, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 14, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 requesting 17 cents reduction in the minimum prices established for coals produced by mines in Freight Origin Group 61, in District 8, for shipment of off-line railway locomotive fuel for southbound movement via Carolina, Clinchfield & Ohio Railway.

Dated: February 20, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1293; Filed, February 21, 1941;
11:50 a. m.]

[Docket No. A-671]

PETITION OF ISLAND CREEK COAL COMPANY TO REDUCE THE MINIMUM PRICES FOR MINE INDEX NO. 262 IN SIZE GROUP 22 FOR RAIL SHIPMENT TO FRONT ROYAL, VIRGINIA, MARKET AREA 2, OR TO INCLUDE FRONT ROYAL WITHIN MARKET AREA 100

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 3, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Thurlow G. Lewis or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 27, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Island Creek Coal Company (1) to reduce the effective

minimum prices for the coals of its Mine No. 22, Mine Index No. 262, in Size Group 22 for rail shipment to Front Royal, Virginia, in Market Area 2, to reflect the same differential under Size Group 21 as that established in Market Area 100, or (2), in the alternative, to change the boundary lines between Market Areas 2 and 100 to include Front Royal, Virginia, within Market Area 100.

Dated: February 20, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1292; Filed, February 21, 1941;
11:50 a. m.]

[Docket No. A-669]

PETITION OF DISTRICT BOARD 10 FOR THE
ISSUANCE OF A TEMPORARY ORDER PER-
MITTING MINE INDEX 95, DISTRICT 10, TO
SELL 16 CARS OF "5/16" X 0 RHEO RE-
JECT WASHED CARBON" AT 75 CENTS PER
TON

MEMORANDUM OPINION AND ORDER GRANTING
TEMPORARY RELIEF

The original petition in the above entitled matter, filed with this Division on February 15, 1941, prays for the issuance of a temporary order permitting the Midland Electric Coal Corporation, a code member in District 10, to sell 16 cars of "5/16" x 0 Rheo reject washed carbon" from its Middle Grove Mine (Mine Index 95) at a price of 75 cents per ton, in lieu of \$1.30, the effective minimum price for Price Group 27 in Size Group 25 (washed carbon), which includes the size of coal in question.

The original petition in the above entitled matter alleges that:

The Midland Electric Coal Corporation operates Mine Index 95 in the Fulton-Peoria Subdistrict of District 10. The mine is served by the Minneapolis and St. Louis Railroad. Mine Index 95 produces a washed carbon coal, so-called "Rheo reject washed carbon", by mixing "middlings" from a 4' x 0 washer, crushed to 5/16", with minus 28 mesh sludge from dewatering screens, and running the resultant through a Rheo Separator. The mine is not equipped with a dryer to dry the coal before loading. The nature of the coal is such that it is impossible to treat it to prevent freezing. Prior to the advent of cold weather, this coal was regularly sold at \$1.30. When the cold weather set in, however, it caused several cars of this coal to arrive at consumers' plants frozen into a solid block of ice. Regular consumers of this coal have since refused to place further orders during the cold weather, with the result that 16 cars have now accumulated at the mine, some of which have been frozen solid. In addition, some of the coal, which has been stored for the greatest length of time during milder weather, has begun to heat.

Walter Bledsoe & Company, exclusive sales agents for the Midland Electric Coal Corporation, is able to secure an or-

der from Hiram Walker & Sons, Peoria, Illinois, for the 16 cars in question, at a price of 75 cents per ton, which would deliver the coal at the same price as Fulton-Peoria raw carbon previously purchased by that consumer through the same sales agent from the Little Sister Mine (Mine Index 87) of Central States Collieries, Inc., a code member in District 10.

On February 12 and 13, 1941, the Minneapolis and St. Louis Railroad demanded of Walter Bledsoe & Company the immediate release of the railroad equipment in which the coal in question is loaded. Unless immediate relief is granted, the code member will be put to the expense of dumping and wasting the contents of these 16 cars, without any opportunity for reparation.

In view of the foregoing circumstances, it appears to the Director that: A reasonable showing of necessity has been made for the extension of the temporary relief requested; and that an adequate showing has been made of actual or impending injury in the event that such relief is not granted.

Now, therefore, it is ordered that the temporary relief herein prayed for is granted as follows: Commencing not earlier than 12:01 a. m., February 24, 1941, the Midland Electric Coal Corporation may sell from Mine Index 95, of District 10, to Hiram Walker & Sons of Peoria, Illinois, so much of the 16 cars of "5/16" x 0 Rheo reject washed carbon" as has been frozen at a price of 75 cents per ton: *Provided, however*, That when such shipments are completed, the original petitioner shall obtain from the Midland Electric Coal Corporation and file in Docket A-669 an affidavit that each car shipped pursuant to the relief herein granted contained frozen coal.

Notice is hereby given that within 10 days from the date hereof, applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 20, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1299; Filed, February 21, 1941;
11:51 a. m.]

[Docket No. 1562-FD]

IN THE MATTER OF MIDVALE COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6435, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) to determine whether or not Midvale Coal Company, registered distributor, Registration No. 6435, whose address is 1721 Olive Street, St. Louis, Missouri, has violated the Act or regulations there-

under in any manner including but not in limitation thereof, the following: (1) the provisions of section 4 II (h) of the Act, and (2) the provisions of § 304.12 (b) of the Rules and Regulations for the Registration of Distributors and of section (b) of the agreement executed by said distributor pursuant to said section as follows: during the period subsequent to September 30, 1940 (a), on purchases of coal by it from the Wallace Coal Company, Code Member, District No. 10, and resold by it to Armour and Company, Chicago, Illinois; and (b) on purchases of coal by it from the Wallace Coal Company, Code Member, District No. 10, and resold by it to the Missouri Pacific Railroad.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations For the Registration of Distributors to determine whether the registration of said distributor should be revoked or suspended, be held on March 24, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at Grand Jury Room 425, U. S. District Court, St. Louis, Missouri.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceedings.

Notice is hereby given That answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified That the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by

amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 20, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1294; Filed, February 21, 1941;
11:50 a. m.]

[Docket No. 1563-FD]

IN THE MATTER OF EDWARD H. LOTT (LOTT ICE AND COAL COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION NO. 5716, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) to determine whether or not Edward H. Lott (Lott Ice and Coal Company), registered distributor, Registration No. 5716, whose address is Carlinville, Illinois, has violated the Act or regulations thereunder in any manner including but not in limitation thereof, the following: (1) the provisions of section 4 II (h) of the Act, and (2) the provisions of § 304.12 (b) of the Rules and Regulations for the Registration of Distributors and of section (d) of the agreement executed by said distributor pursuant to said section as follows: during the period subsequent to September 30, 1940 (a), on purchases of coal by it from the Gillespie Coal Company, Code Member, District No. 10, and resold by it to various purchasers; and (b) on purchases of coal by it from the South Mine Company, Code Member, District No. 10, and resold by it to various purchasers.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on March 24, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at Grand Jury Room 425, U. S. District Court, St. Louis, Missouri.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises,

and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 20, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1295; Filed, February 21, 1941;
11:50 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

CANADIAN COLONIAL AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of Charter Service between Montreal, Canada, and Nassau, the Bahamas.

The Board from time to time having authorized Canadian Colonial Airways, Inc., to make foreign flights between Jacksonville, Fla., and Nassau, the Bahamas, in connection with the operation of a chartered service conducted by said company between Montreal, Canada and Nassau, the Bahamas, with an over-night stop at Jacksonville, Florida; and

Pan American Airways, Inc., by letter dated February 18, 1941, having requested the Board not to issue further flight authorizations to Canadian Colonial Airways, Inc., involving said transportation between Jacksonville, Fla., and Nassau, the Bahamas, and return;

The matter is assigned for oral argument before the Board on Monday, February 24, 1941, at 11:30 a. m. (Eastern Standard Time) in Room 5044, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board:

[SEAL]

DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-1278; Filed, February 21, 1941;
10:00 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5681]

IN THE MATTER OF INDIANA HYDRO-ELECTRIC POWER COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE FOR HEARING

FEBRUARY 18, 1941.

It appearing to the Commission that:

(a) On or about February 28, 1939, Indiana Hydro-Electric Power Company filed and submitted proposed reclassification and original cost studies required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licenses, effective January 1, 1937, and the Commission's order of May 11, 1937;

(b) The Commission's staff has made a field study of the Company's proposed reclassification and original cost studies and on May 29, 1940, submitted a report entitled "Indiana Hydro-Electric Power Company, Hammond, Indiana, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(c) The Commission's staff report was transmitted to the Company on June 4, 1940, with a request that the accounting adjustments indicated in the report be made, copies of the adjusting journal entries be submitted and an amended plan be submitted for disposing of the amounts shown in such report as established in Account 107, Electric Plant Adjustments;

(d) After correspondence and conference, agreement has not been reached between the Company and the Commission's staff with respect to the accounting adjustments indicated in the Commission's staff report;

The Commission finds that:

(1) Indiana Hydro-Electric Power Company's reclassification and original cost studies and the information submitted subsequently do not justify or explain the Company's failure to adjust its accounts in accordance with the adjustments recommended in the "Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937" made by the Commission's staff;

(2) It is advisable, necessary and proper in the public interest that a public hearing be held for the purpose of requiring Indiana Hydro-Electric Power Company to show cause, under oath, why this Commission should not order (a) adjustment of the Company's accounts in conformity with the recommendations made in the above mentioned "Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937"; and (b) disposition of amounts established in Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at such public hearing;

The Commission orders that:

(A) A public hearing be held on April 14, 1941, at 9:30 a. m., in Room 606, United States Court House, Chicago, Illinois, and at such hearing Indiana Hydro-Electric Power Company show cause, under oath, why the Commission should not determine by order that:

(1) Adjusting entries be made to bring the Company's accounts in conformity with the recommendations made by the Commission's staff in its "Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937", referred to in paragraph (b) above;

(2) Disposition be made of the amounts established in Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at such public hearing;

(B) The Public Service Commission of Indiana may participate in the hearing as provided in Part 39, Section 39.4 of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-1279; Filed, February 21, 1941;
10:00 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4353]

IN THE MATTER OF HOWARD S. WEAVER, AN
INDIVIDUAL, TRADING UNDER THE NAME
WEAVER REAL ESTATE APPRAISAL TRAIN-
ING SERVICE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 24, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 664, United States Court House, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence

on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1285; Filed, February 21, 1941;
11:19 a. m.]

[Docket No. 4396]

IN THE MATTER OF EUGENE JOHN FRANCKE,
TRADING AS FRANCKE COMPANY AND AS
E. J. FRANCKE COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 27, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 664, United States Court House, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1286; Filed, February 21, 1941;
11:20 a. m.]

[Docket No. 4198]

IN THE MATTER OF ACME PREMIUM SUPPLY
CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, March 21, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 516, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1283; Filed, February 21, 1941;
11:19 a. m.]

[Docket No. 4260]

IN THE MATTER OF COLONIAL DRUG COMPANY, A CORPORATION; AND M. A. YOUNGMAN, INDIVIDUALLY, AS PRESIDENT OF COLONIAL DRUG COMPANY, AND TRADING AS COLONIAL SALES COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 31, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 309, Post Office Building, Tulsa, Oklahoma.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1284; Filed, February 21, 1941;
11:19 a. m.]

[Docket No. 4421]

IN THE MATTER OF OZON CHEMICAL COMPANY, INC., A CORPORATION, ALSO TRADING AS DUNCAN CHEMICAL CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, Section 41),

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 19, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 516, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1287; Filed, February 21, 1941;
11:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-228]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1941.

Central Ohio Light & Power Company, a subsidiary of Crescent Public Service

Company, a registered holding company, having filed an application and amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption of the issue and sale of \$400,000 principal amount of First Mortgage 3½% Bonds, Series D, due March 1, 1966; and

A public hearing on such matter having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That the application, as amended, filed pursuant to section 6 (b) of the Act by Central Ohio Light & Power Company, be, and it hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-9 and to the following further condition:

That during the calendar year 1941 no dividends in excess of the sum of \$40,000 shall be declared or paid on the Common Stock of Central Ohio Light & Power Company, and that so long as any of the First Mortgage 3½% Bonds, Series D, due March 1, 1966, shall be unredeemed and outstanding or until further order of the Commission, no further dividends shall be declared or paid on the said Common Stock except upon application to and approval by order of the Commission.

By the Commission,

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1290; Filed, February 21, 1941;
11:26 a. m.]

[File No. 70-238]

IN THE MATTER OF VIRGINIA ELECTRIC AND POWER COMPANY AND ENGINEERS PUBLIC SERVICE COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 20th day of February, A. D. 1941.

The above named parties having filed an application and declaration respectively pursuant to the Public Utility

Holding Company Act of 1935 and particularly sections 6 (b) and 12 (b) thereof and Rule U-12B-1 promulgated thereunder, regarding the issue and sale by said Virginia Electric and Power Company of \$3,000,000 aggregate principal amount of its First and Refunding Mortgage Bonds, Series C, 3½%, due March 1, 1971, and the issue and sale of \$3,930,000 of its 2¼% Notes payable serially from May 1, 1941 to and including November 1, 1946, and regarding the donation by Engineers Public Service Company, a registered holding company, of the sum of \$1,000,000 to its subsidiary company, Virginia Electric and Power Company;

Said application and declaration having been filed on January 24, 1941 and having been several times amended, the last amendment having been filed on this day; notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named party having requested that the Commission advance the effective date of said application and declaration; and the Commission finding that the requirements of sections 6 (b) and 12 (b) and Rule U-12B-1 are satisfied and that it is appropriate that the application should be granted and that the declaration should be permitted to become effective, and being satisfied that the effective date of such application and declaration as amended should be advanced:

It is hereby ordered, Pursuant to Rule U-8 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid application as so amended be granted and that the aforesaid declaration as so amended become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1289; Filed, February 21, 1941;
11:26 a. m.]